

**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES
IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA**

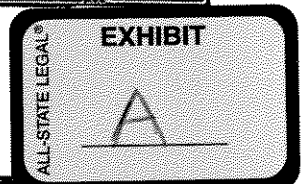
FILED
2008 MAR 25 AM 10:47
CLERK OF COURT
OFFICE

I. CASE STYLE**Plaintiff(s)**Lisa MoodyCase # 08-C-76c/o Law Offices of David A. Sims, PLLCAttorneys at LawPost Office Box 2659Elkins, West Virginia 26241Judge Henning

Defendant(s) Name and Address	Days to Answer	Type of Service
Davis Memorial Hospital, Inc. Reed Street and Gorman Avenue Elkins, West Virginia 26241	30	Secretary of State

II. TYPE OF CASE

TORTS	OTHER CIVIL	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Adoption	<input type="checkbox"/> Appeal from Magistrate Court
<input checked="" type="checkbox"/> Professional Malpractice	<input type="checkbox"/> Contract	<input type="checkbox"/> Petition for Modification of Magistrate Sentence
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Real Property	<input type="checkbox"/> Miscellaneous Civil
<input type="checkbox"/> Product Liability	<input type="checkbox"/> Mental Health	<input type="checkbox"/> Other
<input type="checkbox"/> Other Tort	<input type="checkbox"/> Appeal of Administrative Agency	

III. JURY DEMAND: ☒ Yes ☐ NoCASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): 06 / 09

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY OR AGE? ☐ YES ☒ NO

IF YES, PLEASE SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

Attorney Name: DAVID A. SIMS (Bar No. 5196)
BETSY L. CHAMBERS (Bar No. 10014)

Firm: LAW OFFICES OF DAVID A. SIMS

Address: LAW OFFICES OF DAVID A. SIMS, PLLC
POST OFFICE BOX 2659
ELKINS, WEST VIRGINIA 26241

Telephone: (304) 636-8000

☐ Pro S.E.

Representing:

☒ Plaintiff

☐ Defendant

☐ Cross-Complainant ☐ Cross-Defendant

Dated: 03/21/08


Signature

IN THE CIRCUIT COURT OF RANDOLPH COUNTY, WEST VIRGINIA

LISA MOODY

Plaintiff,

vs.

Civil Action No. 08-C- 7609
John L. Henning, Circuit Judge

DAVIS MEMORIAL HOSPITAL, INC.
A West Virginia Corporation,

Defendant.

COMPLAINT FOR DAMAGES

COMES NOW THE PLAINTIFF, by and through her counsel, David A. Sims and Betsy L. Chambers, of the Law Offices of David A. Sims, PLLC and does hereby complain to this Honorable Court as follows:

1. Plaintiff, Lisa Moody, is a resident of Randolph County, West Virginia and was at all times relevant to the allegations contained in this Complaint.
2. Defendant, Davis Memorial Hospital, Inc., is a West Virginia corporation conducting business in Randolph County, and its principal place of business is located in Randolph County, West Virginia.
3. All of the actions giving rise to this Complaint took place in Randolph County, West Virginia.
4. Plaintiff performed her work for Defendant in Randolph County, West Virginia.
5. On or about the 1st day of June 2007, Plaintiff was wrongfully terminated from her work at Defendant's hospital.

COUNT ONE-VIOLATION OF PATIENT SAFETY ACT

6. Plaintiff re-alleges all allegations of her Complaint as if reprinted herein.

7. Plaintiff, Lisa Moody is a health care worker as defined in the West Virginia Patient Safety Act codified at Section 16-39-1 et. seq. of the *West Virginia Code*.

8. Defendant, Davis Memorial Hospital, Inc., is a health care facility as defined in the West Virginia Patient Safety Act codified at Section 16-39-1 et. seq. of the *West Virginia Code*.

9. Prior to the termination of her employment, Plaintiff raised substantial issues concerning patient care and safety at the Defendant's hospital to its administration and employees, in furtherance of the principles of the West Virginia Patient Safety Act.

10. As a direct and proximate result of Plaintiff's raising issues concerning patient care and safety at Defendant's hospital, Defendant's representatives terminated her employment.

11. Defendant's termination of Plaintiff due to her raising issues regarding patient safety is a violation of the West Virginia Patient Safety Act.

12. Defendant, Davis Memorial Hospital, Inc.'s, employment of Plaintiff, even pursuant to its stated policy of employment-at-will, does not permit the Defendant to terminate her employment in violation of the law.

13. Pursuant to the provisions of the West Virginia Patient Safety Act, Plaintiff is entitled to receive damages from Defendant for all items recoverable under the Patient Safety Act, including an award of punitive damages and attorney's fees.

COUNT TWO--VIOLATIONS OF THE WEST VIRGINIA HUMAN RIGHTS ACT

14. Plaintiff re-alleges all allegations of her Complaint as if reprinted herein.

15. Plaintiff, Lisa Moody, is a female, is over the age of forty and Plaintiff has a medical disability.

16. Plaintiff's sex, age and disability all place her in protected classes under the West Virginia Human Rights Act.

17. Defendant, Davis Memorial Hospital, Inc., is an employer as defined by the West Virginia Human Rights Act and is subject to the provisions of said Act.

18. Defendant, Davis Memorial Hospital, Inc., has a stated policy of not discriminating on the basis of sex, age or disability.

19. Defendant's decision to terminate the employment of Plaintiff was substantially motivated by Plaintiff's sex, age and/or disability, in violation of Defendant's stated policy against all forms of discrimination and in violation of the West Virginia Human Rights Act.

20. Defendant's stated policy of employment-at-will does not permit the Defendant to terminate the Plaintiff for an illegal reason.

21. As a direct and proximate result of the Defendant's violations of the West Virginia Human Rights Act, Plaintiff's employment was terminated, causing her significant damages and harm in an amount to be proven at trial.

COUNT THREE--HOSTILE WORK ENVIRONMENT

22. Plaintiff re-alleges all allegations of her Complaint as if reprinted herein.

23. Defendant, by and through its employees, were dissatisfied with Plaintiff's limited ability to work following her return from Family Medical Leave.

24. As a direct and proximate result of the Plaintiff's disability, Defendant's employees caused Plaintiff to endure a hostile work environment following her return from Family Medical Leave.


25. Defendant's employees attempted to make Plaintiff's work intolerable in an effort to make her voluntarily quit her employment, when she did not voluntarily quit her employment, she was wrongfully terminated by the Defendant.

WHEREFORE, Plaintiff demands judgment against the Defendant, Davis Memorial Hospital, Inc., as follows:

- a. Reinstatement to her position at Davis Memorial Hospital, if the Court determines that is feasible;
- b. If the Court determines that reinstatement of Plaintiff is not feasible, Plaintiff demands front pay in an amount to be proven at trial;
- c. Payment for all damages recoverable against the Defendant for violations of the West Virginia Patient Safety Act;
- d. Payment for all damages recoverable against the Defendant for violations of the West Virginia Human Rights Act;
- e. Payment for all damages recoverable under West Virginia law for her wrongful termination;
- f. Attorney's fees and costs;
- g. Punitive damages in the amount of One Million Dollars (\$1,000,000.00) to punish Defendant and to discourage Defendant in the future to violate the laws of the State of West Virginia and its employment agreements with physicians, like Plaintiff, Lisa Moody;
- h. Such other relief the Court deems just and proper.

LISA MOODY
Plaintiff,

By counsel,



DAVID A. SIMS
West Virginia Bar No.: 5196
BETSY L. CHAMBERS
West Virginia Bar No.: 10014

LAW OFFICES OF DAVID A. SIMS, PLLC
Post Office Box 2659
Elkins, West Virginia 26241
304-636-8000
304-636-8001 (fax)

CASE NO. 08-C-76

OPENED 3/25/2008

JUDGE... 1 JUDGE JOHN L. HENNING

PLAINTIFF. LISA MOODY
VS DEFENDANT. DAVIS MEMORIAL HOSPITAL, INC., A WEST VIRGINIA CORPORATION

PRO ATTY.. DAVID A. SIMS
DEF ATTY.. PRO SE

PAGE# DATE MEMORANDUM.....

00001 3/25/08 Complaint filed. Summons issued. Summons & Complaint
00002 3/25/08 mailed to Sec. State for service.
00003 4/10/08 Summons & Complaint mailed via Cert Mail to Def.
00004 4/14/08 Receipt Card returned signed by Howard Bennett for Mark Doak
00005 4/14/08 on 4/11/08.
00006 5/01/08 Answer of Def. DMH filed.
00007 5/01/08 Cert. of Service re: Def.'s First Request for Production of
00008 5/01/08 Documents to Pltf. filed.
00009 5/05/08 Letter dated 5/05/08 from Judge Henning to counsel re
00010 5/05/08 disclosure filed.
00011 5/27/08 Letter dated 5/20/08 from Cheryl Ledbetter to Judge Henning
00012 5/27/08 requesting recusal filed.
00013 6/02/08 Cert. of Filing re: Pltf.'s Response to Def.'s First
00014 6/02/08 Request for Production of Documents to Pltf. filed.
00015 8/05/09 Notice of Scheduling Conference filed.
00016 9/23/09 Scheduling Order ent. COB 85, Pg. 663.
00017 10/14/09 Cert. of Service re: Def.'s First Set of Interrogatories to
00018 10/14/09 Pltf. filed.
00019 10/14/09 Cert. of Service re: Def.'s Second Request for Production
00020 10/14/09 of Documents to Pltf. filed.
00021 11/13/09 Cert. of Filing re: Pltf.'s Response to Def.'s First Set
00022 11/13/09 of Interrogatories to Pltf. & Pltf.'s Response to Def.'s
00023 11/13/09 Second Request for Production of Documents to Pltf. filed.
00024 12/07/09 Cert. of Filing re: Pltf.'s First Set of Combined Discovery
00025 12/07/09 Requests to Def. DMH filed.
00026 1/20/10 Cert. of Service re: Def. DMH's Response to Pltf.'s First
00027 1/20/10 Set of Combined Discovery Requests to Def. DMH filed.
00028 2/02/10 Notice of Deposition of Plaintiff Lisa Moody filed.
00029 2/08/10 Amended Notice of Deposition of Plaintiff Lisa Moody filed.
00030 2/10/10 Cert. of Filing re: Notice to Take Deposition of Parker
00031 2/10/10 Haddix, COO; Judith Williams, MSHRM; Kathy Caldwell, RN;
00032 2/10/10 & Lori Lowery, RN filed.
00033 3/08/10 Cert. of Filing re: Notice of Cancellation of Deposition of
00034 3/08/10 Parker Haddix COO; Notice of Cancellation of Deposition of
00035 3/08/10 Judith Williams MSHRM; Notice of Cancellation of Deposition
00036 3/08/10 of Kathy Caldwell RN; and Notice of Cancellation of
00037 3/08/10 Deposition of Lori Lowery RN filed.
00038 3/08/10 Pltf.'s Disclosure of Fact Witnesses filed.
00039 3/10/10 Cert. of Filing re: Second Notice to Take Deposition of
00040 3/10/10 Parker Haddix, COO; Judith Williams, MSHRM; Kathy Caldwell,
00041 3/10/10 RN; & Lori Lowery, RN filed.
00042 3/09/10 Order Rescheduling Hearing ent. COB 86, Pg. 368.

CASE NO. 08-C-76

OPENED 3/25/2008

JUDGE... 1 JUDGE JOHN L. HENNING


PLAINTIFF. LISA MOODY
VS DEFENDANT. DAVIS MEMORIAL HOSPITAL, INC., A WEST VIRGINIA CORPORATION

PRO ATTY.. DAVID A. SIMS
DEF ATTY.. PRO SE

PAGE# DATE MEMORANDUM.....

00043 3/16/10 Def.'s Fact Witness

00044 3/16/10 Defendant's Fact Witness Disclosure filed.

A TRUE COPY
ATTEST
PHILIP D. RIGGLEMAN
CLERK OF THE CIRCUIT COURT
BY  DEPUTY

